

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

TERRY HARRINGTON,

Plaintiff,

vs.

POTTAWATTAMIE COUNTY, IOWA;
THE CITY OF COUNCIL BLUFFS,
IOWA; JOSEPH HRVOL; DAVID
RICHTER; MATTHEW WILBER;
DANIEL LARSEN; LYLE BROWN;
and DAVID DAWSON,

Defendants.

No. 05-CV-00178

TERRY J. HARRINGTON,

Plaintiff,

vs.

MATTHEW D. WILBER and
POTTAWATTAMIE COUNTY, IOWA,

Defendants.

No. 05-CV-90616

**STATEMENT OF MATERIAL
FACTS FOR SUMMARY
JUDGMENT BY POTTAWATTAMIE
COUNTY, AND PROSECUTORS
HRVOL, RICHTER, AND WILBER**

CURTIS W. MCGHEE, JR.,

Plaintiff,

vs.


POTTAWATTAMIE COUNTY, IOWA;
THE CITY OF COUNCIL BLUFFS,
IOWA; JOSEPH HRVOL; DAVID
RICHTER; MATTHEW WILBER;
DANIEL LARSEN; LYLE BROWN;
and DAVID DAWSON,

Defendants.

No. 05-CV-00255

COME NOW, Defendants, Joseph Hrvol, David Richter, Matthew Wilber, and Pottawattamie County; and, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1(a)(3), submit this Statement of Material Fact to which there is no genuine issue to be tried:

1. McGhee admitted at his trial and recently confirmed in a deposition that he lied to police regarding his whereabouts on the night of the Schweer murder and asked a friend, Joe Rogers, to lie and create an alibi for him, the date of which he now claims Mr. Rogers came up on his own, but which happens to be the Schweer murder date. (McGhee Trial Transcript pp. 12-13, App. pp. 22-23; and, McGhee 2003 Deposition, pp. 45-48, App. pp. 28).
2. McGhee testified at trial and recently confirmed at his deposition that he was with Harrington and Hughes at 24th and Pratt on the night of the Schweer murder. (McGhee Trial Transcript pp. 13-14, App. pp. 23-24; and, McGhee 2003 Deposition, pp. 37-45, App. pp. 26-28).
3. Tyrone Pierce and Eric Hartwell testified at the McGhee trial that McGhee admitted to them of his involvement in the Schweer homicide while they were in jail together. (McGhee Trial Transcript, pp. 520-21, 550-51, App. pp. 35-36).
4. Larry Plater testified at trial that McGhee and Harrington were involved in the Schweer homicide. (McGhee Trial Transcript, pp. 420-23; App. pp. 29-32).



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 29, 2006, the above and foregoing Statement of Material Facts for Summary Judgment was electronically filed with the Clerk of the Court using the ECF system and that a true and correct copy of which was sent by regular U.S. mail to:

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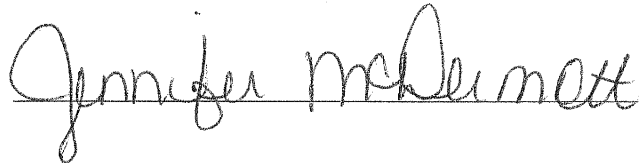
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A handwritten signature in cursive script, reading "Jennifer McDermott". The signature is written in dark ink and is positioned to the right of the typed address for Douglas McCalla.